



U.S. Department of Justice

United States Attorney  
Southern District of New York

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86 Chambers Street  
New York, New York 10007

March 7, 2023

**BY ECF**

The Honorable Jesse M. Furman  
United States District Court  
Southern District of New York  
Thurgood Marshall United States Courthouse  
40 Foley Square  
New York, NY 10007

Re: *Reclaim the Records and Alec Ferretti v. United States Department of State*,  
No. 23 Civ. 1471 (JMF)

Dear Judge Furman:

This Office represents defendant the United States Department of State (“State Department”) in the above-referenced action brought pursuant to the Freedom of Information Act (“FOIA”). We write respectfully on behalf of the parties in accordance with this Court’s Order dated February 23, 2023 (ECF No. 6), directing the parties to submit a joint letter indicating whether there is any need for discovery or an initial conference in this case, and if not, providing a proposed briefing schedule for any motions.

Because this is a FOIA action, it is not generally subject to civil discovery. Instead, this case will be resolved either through the parties’ agreement, or by the submission of cross-motions for summary judgment on the basis of agency declarations. *Carney v. DOJ*, 19 F.3d 807, 812 (2d Cir. 1994). The parties therefore agree that there is no need for discovery or an initial conference in this case.

With respect to a proposed briefing schedule, the parties are not yet in a position to propose a schedule for summary judgment briefing. As the government has advised plaintiffs, the State Department is in the process of identifying records potentially responsive to plaintiffs’ FOIA request and any other agencies or components with which the State Department will need to consult for purposes of processing any such records. Thereafter, the parties expect to confer in an effort to agree to a schedule for processing any potentially responsive material. Accordingly, the parties respectfully request permission to submit a status letter on or before May 5, 2023, proposing a schedule for the processing of documents or submitting their positions with respect to any outstanding issues should the parties be unable to reach an agreement. The government’s answer to plaintiffs’ complaint is currently due April 28, 2023.

We thank the Court for its consideration of this letter.

Respectfully submitted,

DAMIAN WILLIAMS  
United States Attorney for the  
Southern District of New York  
*Attorney for Defendant*

By: /s/ Joseph A. Pantoja

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